

# Inspection Procedures Training

## Slide Speaker Notes

### General Inspection Procedures

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##### Purpose of Inspection Reports

In case anyone didn't know, we perform inspections and complete inspection reports to see if pesticide operations within our jurisdiction are in compliance with pesticide laws and regulations and to prosecute violations.

Reports must be able to be read and understood by people (the responsible person of the inspected activity, supervisors, hearing officers, DPR and EPA staff, the public) who may not be familiar with the circumstances of the inspected activity and/or the laws and regulations involved.

Since these reports may be used as **evidence** in legal proceedings they must be **legible** and **professional** looking. Violations must be clearly and thoroughly explained in the Remarks section.

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##### Preparing for an Inspection

Only an inspector who either holds a Pesticide Regulation **License**, or is qualified to take the license exam and is working under the supervision of an inspector that holds the license, can perform pesticide inspections. Inspectors should be knowledgeable of California pesticide laws, regulations and policies. Inspectors should also be knowledgeable of county permit conditions and local agricultural and structural industry practices.

##### Reference Manuals

The following documents must be readily available on site when conducting an inspection:

- a) An Enforcement Manual – Food & Agricultural Code, Division 6 & 7; California Code of Regulations, Title 3, Division 6; and Laws & Regulations relating to the Practice of Structural Pest Control
- b) All relevant inspection forms including the Inspection Report Supplement form
- c) The Inspections Procedures Manual

The inspector should also have on site any **personal protective equipment** necessary to prevent exposure to pesticides. For example, chemical resistant gloves for handling labels on opened containers.

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### Inspection targeting

Inspection targeting strategies are documented in the county's Negotiated Work Plan. Inspections should be conducted in a manner that addresses pesticide use hazards to employees, the public, the environment and private property.

Inspections should be **prioritized by hazard**, by the number and types of companies and by compliance and episode **history**. Ineffective inspection programs will be addressed in CAC evaluations.

Examples of **ineffective inspection strategies** include:

- **Frequent** inspections of a business when no non-compliances are documented.
- Infrequent or no inspections of businesses or industries with a history of non-compliances or episodes.
- **Documenting several inspections** on different crews of the same company performing the same operation in the same on the same day. In this circumstance only one inspection that includes all crews shall be conducted.

Numerous pre-application inspections on non-sensitive sites while sensitive sites are not inspected.

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### Complete Inspections

Inspectors need to fill out all **header information**

- If info not available on site complete when you return to the office
- If info unknown or inappropriate document that.

New header info – number and type of persons interviewed

- Name of supervisor
- Adjacent environment – document the surrounding area (not just “road”
- Deacon facility particulars – now on more inspection forms

**Requirements** – mark all boxes yes, no or n/a shaded boxes indicate inappropriate answer.

- Use “N/A” appropriately, don’t put yes if requirement is n/a

**Remarks** - use to explain all non-compliances and any other info not captured in report.

- n/c’s should be detailed
- Use supplemental form when necessary

**Initial observations** – document compliance at time of arrival

**Aerial applications** – Observation of an aerial application cannot be counted as a complete inspection unless the label(s) used are reviewed and a signature of the inspected person is obtained or requested. Labels and signatures obtained from flaggers or spotters on site are adequate. If there are no flaggers on site and the mix/load site is out of county, arrange with the CAC of that county to develop a procedure for visiting that mix/load site.

**Advance Notice** -Inspections should not be conducted by appointment or with advance notice to the company being inspected unless necessary for reasons of efficiency (i.e. Pest Control Records Inspections)

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### **Compliance Tracking**

#### **Stop Work Order/Cease and Desist**

An inspector should stop any activity if the inspector observes a violation that creates an “immediate hazard”. The following guidelines are provided for this purpose. These are recommendations; inspectors should follow procedures provided by county mgmt.

##### **CFAC ' 13102 (Cease and Desist Order)**

- ◆ May be used to stop licensee and non-licensee activities
- ◆ Has a defined appeal process. Appeals are made to the Director.
- ◆ Document the Cease and Desist on a Violation Notice (VN) or in a letter in addition to checking the appropriate box on the inspection report. Describe the hazard created or that “appeared imminent”.

##### **CFAC ' 11897 (Cease and Desist Order)**

- ◆ May be used to stop only licensee activity (Division 6)
- ◆ Has a defined appeal process. Appeals are made to the Director.
- ◆ Document the Cease and Desist on a VN or in a letter in addition to checking the appropriate box on the inspection report. Describe the hazard created or that “appeared imminent”.

##### **CFAC ' 11737 (Stop Work Order)**

- ◆ May be used if the activity is being conducted by an incompetent or unqualified person.
- ◆ May be used if the activity is being conducted in a manner or under conditions that interfere with proper control of the targeted pest.
- ◆ If the order is violated the CAC can bring action against the licensee in Superior court.

If a licensee operation is stopped and then resumed prior to the conclusion of the inspection, check “YES” in AStop Work Order@box, and “NO” in the ACease and Desist@box. Explain what happened under ARemarks@.

- ◆ Document the Stop Work Order on the Inspection Report. If desired you may also document the Stop Work Order on a Violation Notice or in a letter.

**Follow-up Required** – always check yes if non-compliances not corrected on site

**Correct Noncompliances by** – Appropriate i.e. “prior to next application”

**Hazardous area 6706** - check yes if workers engaged in illegal entry and you make them leave field

**Violation Notices** - If a VN is written for violations found during the inspection, document the VN number and check the “Yes” box. If a VN is not written, check the “No” box. If a VN may be written at a later time, leave the space blank. Complete this section when the VN is written or the decision not to write a VN is made. If this section is completed at a later date, initial and date the entry. Structural forms have two “Violation Notice” spaces. This is to accommodate the request by some counties that the same inspection form can serve as a violation notice issued to the licensee, as well as a violation notice issued to the employer.

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### **Interviews**

**Bilingual resources** - CACs are encouraged to have bilingual inspectors on staff and to utilize bilingual personnel effectively. CACs are also encouraged to explore available translation resources in their counties.

**Documentation** - # of persons interviewed. If no one interviewed document that and explain.

- Interview employees away from mgmt.

**Topics** – Requirements – training, notification etc.

- Employee refusal
- Exposure incidents

### **Retaliation Complaints**

- if complaint received inform employees of the agency that handles those complaints, keep track of the number of retaliation complaints, give to sup. CAC should inform Senior of the number of complaints received

- **Keep Confidential**

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##### **Follow-up Inspections**

##### **Complete vs. incomplete**

- Count as complete only if it in accordance with general requirements of a complete inspection

**Decision report** – Review compliance history, follow Enf. Guidelines make recommendations

## **Preapplication Inspection**

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**CEQA** - Restricted Materials Permit applications are subject to many of the requirements of the California Environmental Quality Act (CEQA). In 1979 the Secretary of the State Resources Agency certified the permit and NOI process as functionally equivalent to an Environmental Impact Report (EIR). This certification means CDPR and the county agricultural commissioners do not have to prepare an EIR (or a negative declaration) on each activity that is approved; however, documentation of environmental impacts, mitigation measures and feasible alternatives is required.

**5% Requirement** - Title 3, CCR § 6436 Permit Monitoring, requires monitoring of 5% of the “sites identified in permits or in notices of intent to apply a pesticide for an agricultural use.”

- Choose the sites to be evaluated based on the toxicity of the pesticide, the proximity of sensitive areas, the potential for adverse effects, and the individual’s noncompliance record.

**Approve or Deny** - A site evaluation and a written recommendation review are conducted

to assess the situation prior to application. It gives you the opportunity to mitigate any possible hazards by conditioning or denying the Notice of Intent or modifying the Restricted Materials Permit.

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##### **PreApp Procedures**

**Written Recommendation**

**Requested/Provided** - The PCA or pest control operator upon request shall immediately furnish a copy of the written recommendation to the CAC. Indicate in the boxes provided whether the recommendation for the subject application has been requested by the CAC and if it has been provided. If no recommendation has been made for the intended application, put "N/A" in the box.

**Reviewed** - If a recommendation has been made on the intended application you are inspecting, you must review the written recommendation as part of your pre-application inspection.

**Adjacent Environment** - Document the relevant environmental risk for drift on each Side of the field. Do not print "road" if roads border the field. The more appropriate designation would be "road/ cotton" or "road/ residential".

**Environmental Hazards** - List or describe any environmental hazards you observe at the application site. Deny NOI if hazards cannot be mitigated.